

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

*In re Hearst Communications State Right of
Publicity Statute Cases*

No. 1:21-cv-08895-RA-GWG

**DEFENDANT HEARST COMMUNICATIONS, INC.'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendant Hearst Communications, Inc. (“Hearst”) respectfully submits this Notice of Supplemental Authority in connection its pending Motion to Dismiss (ECF Nos. 37-38, 42, 43) to bring to the Court’s attention the recent decision of the United States District Court for the District of Vermont in *Farris v. The Orvis Co., Inc.*, 2:22-CV-00007, 2022 WL 10477051 (D. Vt. Oct. 18, 2022) (Reiss, D.J.), attached hereto as Exhibit A. *Farris* was decided just last week and long after briefing on Hearst’s motion to dismiss was completed in April.

In *Farris*, the Court dismissed claims brought under, *inter alia*, the California and Ohio right of publicity statutes. Those claims, like those in this case, were based on the “selling and renting [] mailing lists, which included Plaintiffs’ names and other information, to third parties.” *Id.* at *1. Because the *Farris* case addresses practices similar to those alleged in the above-referenced matter, under some of the same state laws, Hearst believes it is relevant to its arguments on the pending motion to dismiss.

Dated: October 24, 2022

By: /s/ Jonathan R. Donnellan

Jonathan R. Donnellan
Andrea R. Butler
Sarah S. Park
The Hearst Corporation
Office of General Counsel
300 West 57th Street, 40th Floor
New York, NY 10019
Tel: (212) 649-2484
Fax: (212) 554-7000
jdonnellan@hearst.com
abutler@hearst.com
sarah.park@hearst.com

*Attorneys for Defendant Hearst
Communications, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above document filed through the ECF system will be sent electronically to counsel of record on October 24, 2022.

/s/ Jonathan R. Donnellan

Jonathan R. Donnellan